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RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3349  
RUEHNY/AMEMBASSY OSLO PRIORITY 5108  
RUEHOT/AMEMBASSY OTTAWA PRIORITY 1385  
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0643  
RUEHKO/AMEMBASSY TOKYO PRIORITY 4218  
RUEHCG/AMCONSUL CHENNAI PRIORITY 9531  
RUEHBI/AMCONSUL MUMBAI PRIORITY 6832  
RUEHON/AMCONSUL TORONTO PRIORITY 1314  
RHEFDIA/DIA WASHINGTON DC PRIORITY  
RUEHGV/USMISSION GENEVA PRIORITY 3764  
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY  
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SIPDIS

DEPARTMENT FOR SCA/INSB

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SUBJECT: JUSTICE MINISTER, DEFENSE SECRETARY DISCUSS  
ACCOUNTABILITY/RECONCILIATION MECHANISMS

Classified By: AMBASSADOR PATRICIA A. BUTENIS. REASONS: 1.4 (B, D)

11. (C) In an October 7 meeting with Ambassador, Justice Minister Malinda Moragoda said the 1987 Youth Commission, which looked at the roots of the JVP uprising, might be a mechanism that Sri Lanka could use to get at the questions of accountability and reconciliation. In response to Ambassador's query about how the Sri Lankan government (GSL) would respond to international expectations to put in place a mechanism to address concerns about accountability following the release soon of the Department's war crimes report to the Senate, Moragoda said that President Rajapaksa had been consulting widely on the question. Moragoda said the GSL could not address directly the question of war crimes, *per se*. But they were looking for some mechanism to allow people to register and get responses on complaints. The president and Moragoda discussed whether the Youth Commission model would work. The focus, Moragoda stressed, would be on reconciliation. He also noted that the president had the constitutional power to appoint commissions and could proceed. In the same breath, however, he reiterated that getting at war crimes directly was "hard," a political reality that was further complicated by the upcoming presidential elections (expected in mid-January).

12. (C) Moragoda went on to discuss his impressions of Tamil views on accountability. He noted that 25 percent of his constituents were Tamils, and he was looking for ways to get moderate Tamils more involved in the rehabilitation of former LTTE soldiers and others. He believed that the Tamils in Sri Lanka were interested in "moving on," whereas those in the diaspora were less so inclined. Ambassador encouraged the GSL to make greater efforts to reach out to the Tamil diaspora community and get them involved again in Sri Lanka's reconciliation and re-development. Moragoda in response touched briefly on the diaspora funding of a rehabilitation program through IOM. He concluded by reiterating that pushing hard on the accountability issue could undermine the reconciliation process and "polarize" Sri Lankan society.

13. (C) In an October 6 meeting with Ambassador, Defense Secretary Gotabhaya Rajapaksa said the president "could" appoint a new commission to look at complaints or use some existing mechanism, such as an ombudsman. He also noted that, contrary to widely held impressions, the army had investigated and prosecuted individual soldiers for individual crimes (presumably stealing, rape, murder, etc.) committed during the war, and Major General Peiris heading the military legal department could provide more information.

(NOTE: Embassy will be following up with the general as soon as possible. END NOTE.)

BUTENIS